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*Mr. Călin POPESCU-TĂRICEANU
President of the Senat
Calea 13 Septembrie nr. 1-3,
Sector 5
RO – 050711 BUCHAREST*

Dear President,

The Commission would like to thank the Senat for its Opinion on the proposal for a Regulation of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 {COM(2016) 52 final}.

The Commission has noted the recommendations proposed by the Senat and is pleased to offer the following explanations.

The Commission proposal for a Regulation on Security of Gas Supply (Gas SoS Regulation) introduces a mandatory regional cooperation for conducting risk assessments and drawing up the Emergency and Preventive Action Plans. It also contains a proposal for regions defined on the basis of criteria listed in Article 3 (7). The existing Regulation No 994/2010 provides for voluntary regional cooperation between Member States. By introducing a mandatory regional cooperation in pre-defined regions in the field of security of gas supply, the Commission seeks to address the shortcomings of Regulation No 994/2010, which led to sub-optimal results as regards the risk preparedness of Member States in case of gas supply disruption.

The proposed approach builds to the extent possible on existing regional cooperation structures established by the Member States and the Commission, particularly the regional groups set up under Regulation 347/2013 on guidelines for trans-European energy infrastructure¹ (TEN-E Regulation).

Member States are actively involved in the decision-making process on the design of the regions through their participation in the ongoing legislative process.

¹ Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulation (EC) No 713/2009, (EC) 714/2009 and (EC) No 715/2009, OJ EU L 115 of 25.4.2013, p. 39.

The Gas SoS Regulation introduces solidarity between the Member States in case of a very severe emergency. Such an emergency has never occurred in the European Union so far. Nevertheless, given the dependency of the EU on gas supply from outside the EU, the Commission considers it appropriate to increase the preparedness of Member States for such a situation. The Commission acknowledges that Romania is one of the few Member States that have noteworthy gas resources and can provide support to neighbours in case of emergency. The Gas SoS Regulation makes sure that any support mechanism in the framework of regional cooperation and the application of the solidarity principle is based on the principles of proportionality and non-discrimination, reasonable rights and obligations, and that it is balanced by a fair compensation mechanism.

In view of the fact that the security of gas supply has a strong cross-border element, the Commission proposes to extend the application of the Gas SoS Regulation to contracting parties of the Energy Community, to the extent the contracting parties implement the provisions of the Gas SoS Regulation, so that the obligations of the Member States and the contracting parties will have a reciprocal character.

At the same time, it should be stressed that the Gas SoS Regulation gives a clear priority for tackling the security of supply issues with market measures, in order not to interfere in the functioning of the internal market and preserve competition.

The points made above are based on the proposals presented by the Commission which are currently in the legislative process involving both the European Parliament and the Council in which the Romanian government is represented.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Miguel Arias Cañete
Member of the Commission*